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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,693	02/19/2004	Takeshi Shiota	042114	2022

38834 7590 09/27/2007

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EXAMINER	
PHILIPPE, GIMS S	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
09/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/780,693	SHIOTA, TAKESHI	
	Examiner	Art Unit	
	Gims S. Philippe	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 13* is/are rejected.

7)☒ Claim(s) *11 and 12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/19/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is a first office action in response to application no. 10/780,693 filed on February 19 2004 in which claims 1-13 are presented for examination.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because of the phrase *"It is an object of the present invention"* The applicant may start the Abstract at: " A pipe probing apparatus...". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-10, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Tarumi (US Patent Application Publication no. 2005/0115337 A1).

As per claim 1, Tarumi discloses a pipe probing apparatus comprising a running member which moves forward and backward in a cylindrical pipe while pulling a cable and which includes a camera with a lens (See Tarumi fig. 1, running member 1, camera installed inside casing 20 in fig. 2, paragraph [0053]), the pipe probing apparatus being characterized in that said running member is provided with a link mechanism that uses an elevating and lowering adjust means to integrally elevate and lower said camera and a radar device located above the camera (See Tarumi ground control unit 20 of fig. 2, paragraph [0052], lines15-17, [0053], lines 9-20, paragraph [0060], lines 6-17).

As per claims 2 and 7, Tarumi discloses a pipe probing apparatus comprising a running member which moves forward and backward in a cylindrical pipe while pulling a cable and which includes a camera with a lens (See Tarumi fig. 1, running member 1, camera installed inside casing 20 in fig. 2, paragraph [0053]), the pipe probing apparatus being characterized in that a radar device is disposed above the running member so as to elevate and lower freely via pivoting arm members, and the pipe probing apparatus comprises a first sensing member that senses an elevating end of the radar device and a second sensing member that senses a lowering end of the radar device (See Tarumi paragraph [0078], lines 1-26), and when each of the sensing members senses the corresponding end, elevation or lowering of said radar device is stopped (See Tarumi paragraph [0060]).

As per claims 3 and 8, Tamuri further discloses a pipe probing apparatus characterized in that said radar device has a radar box main body and guide rollers each disposed in a front or rear of each of a right and left sides of the box main body, and when said radar device is elevated, said guide rollers first abut against the upper inner surface of the pipe, so that said radar box main body does not abut against the upper inner surface of the pipe (See Tamuri fig. 2, items 19, paragraph [0053] and paragraph [0079]).

As per claims 4 and 9, Tamuri further discloses a pipe probing apparatus wherein with members disposed on a characterized in that urging members are disposed on said

pivoting arm members to press said radar device against the upper inner surface of the pipe, and are used to always elevate said radar device, and a stopping member is disposed to stop the elevation of said radar device (See Tamuri figs 11-12).

As per claims 5 and 10, Tamuri further provides a pipe probing apparatus wherein the stopping member is formed by a winding roller rotatively driven by a motor disposed in the radar box main body and a wire which has one end secured to the running member and which is wound around said winding roller, in that winding up said wire lowers the radar device, loosening said wire causes said urging member to elevate the radar device to elevate, and stopping driving of the motor stops the elevating or lowering operation of said radar device (See Tamuri fig. 9, and 14, and paragraph [0053] and [0054]).

As per claims 6 and 13, Tamuri further provides a pipe probing apparatus according to wherein a video obtained by said camera with the lens can be viewed using a monitor installed on a ground, and the elevation and lowering of said radar device can be controlled from the ground (See Tamuri fig. 17, monitor 94, item 93, paragraph [0086], lines 30-36, paragraph [0087], lines 8-15).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Harbonn et al. (US Patent no. 3583445) teaches method and device for draining submerged tanks.

Andreasen (US Patent no. 678466) teaches flexible cushion probe for dielectric medium defined by a dielectric boundary surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe
Primary Examiner
Art Unit 2621

GSP

September 23, 2007